



General Assembly

January Session, 2005

Raised Bill No. 1148

LCO No. 3497

03497_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING THE PROCUREMENT OF MERCHANDISE
AND LAUNDRY SERVICES AND THE SALE OF STATE LICENSED
MERCHANDISE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section:
- 2 (1) "Production" means the manufacture of apparel and other
3 products, including cutting and assembly by weaving, sewing, knitting
4 or felting, finishing, warehouse distribution and laundering, where
5 applicable;
- 6 (2) "Nonpoverty wage" means, in the United States, the level of
7 wages required for a full-time worker to produce an annual income
8 not less than one hundred ten per cent of the United States Department
9 of Health and Human Services' most recent poverty threshold for a
10 family of four, plus an additional twenty per cent of such wage level
11 paid either as hourly wages or health benefits and means, in any
12 country outside the United States, a comparable wage and benefit
13 level, adjusted to reflect such country's level of economic development
14 using a factor such as the relative national standard of living index in

15 order to raise a family of three out of poverty, or the World Bank's
16 Gross National Income per capita Purchasing Power Index;

17 (3) "Merchandise" means uniforms, garments and corresponding
18 accessories for the state of Connecticut and the state system of higher
19 education; and

20 (4) "Procures" means contracted for, purchased, rented, leased or
21 obtained by an allowance or voucher program merchandise or
22 services.

23 (b) In procuring any merchandise or laundry services, the state or
24 any constituent unit of the state system of higher education shall give
25 preference (1) to any Connecticut business establishment that meets
26 the requirements of the state or constituent unit of the state system of
27 higher education for such merchandise or laundry services, including
28 the requirements of this section, or (2) if no Connecticut business
29 establishment meets the requirements of subdivision (1) of this
30 subsection, to any business establishment in the United States that
31 meets such requirements.

32 (c) No merchandise shall be procured by the state or by a
33 constituent unit of the state system of higher education or licensed by a
34 constituent unit of the state system of higher education, and no
35 laundry services shall be procured by the state or by a constituent unit
36 of the state system of higher education, unless such merchandise or
37 laundry services are procured from contractors that act as, or contract
38 with, business establishments that have or demonstrate all of the
39 following:

40 (1) Compliance with all applicable local laws and workplace
41 regulations, including those regarding wages and benefits, workplace
42 health and safety, environmental safety, and freedom of association,
43 and the fundamental conventions of international law, including those
44 regarding forced and child labor and freedom of association;

45 (2) Payment of wages that meet the highest of (A) the legal
46 minimum wage; (B) the prevailing wage in the industry in the country
47 of production or where laundry services occur; or (C) a nonpoverty
48 wage;

49 (3) Maintenance of verifiable wage and hour records for each
50 worker, documenting the number of hours worked in a pay period, the
51 wage rate, the deductions and the actual pay, provided an itemized
52 wage statement with this information is provided to workers;

53 (4) Required working hours for hourly and quota-based employees
54 that are the lesser of forty-eight hours per week or any other limit on
55 regular hours allowed by the law of the country of manufacture or
56 where laundry services occur, provided (A) there is not less than one
57 day off in every seven-day period, (B) there are holidays and
58 vacations, and (C) all overtime hours are worked voluntarily;

59 (5) Policies against discrimination in employment on the basis of
60 gender, race, religion, age, disability, sexual orientation, nationality,
61 political opinion or social or ethnic origin with regard to hiring, salary,
62 benefits, advancement, discipline, termination and retirement;

63 (6) Policies against sexual, psychological or verbal harassment,
64 abuse or corporal punishment;

65 (7) Policies against forced use of contraceptives or forced pregnancy
66 tests;

67 (8) Policies against termination of employees without just cause and
68 a mediation or grievance process to resolve workplace disputes
69 provided, for establishments in the United States, such disputes are
70 limited to those not regulated by the National Labor Relations Board;

71 (9) Respect for employees' rights to freedom of association and
72 collective bargaining and no harassment, intimidation or retaliation
73 against employees for exercising such rights; and

74 (10) If the state or a constituent unit of the state system of higher
75 education determines that the timely and high-quality performance of
76 laundry services is likely to be adversely affected by labor-
77 management conflict, entered into written agreements, enforceable
78 under the Labor Management Relations Act, 29 USC 185, as amended
79 from time to time, with labor organizations representing or actively
80 seeking to represent laundry employees that contain provisions to
81 ensure the timely and high-quality performance of such services,
82 including, but not limited to, provisions prohibiting the organizations
83 and their members from engaging in strikes, picketing or other
84 conduct that would tend to disrupt the performance of services,
85 provided nothing in this section requires an employer to recognize a
86 particular labor organization or to enter into a collective bargaining
87 agreement establishing the substantive terms and conditions of
88 employment.

89 (d) For every (1) bid that is in excess of five thousand dollars, and
90 (2) contract that (A) is in excess of five thousand dollars, or (B) taken
91 together with other contracts with the same contractor results in an
92 excess of five thousand dollars paid or payable to such contractor for
93 production of merchandise or for laundry services, each bidder or
94 contractor shall submit an affidavit to the contracting state agency or
95 constituent unit. To ensure public access and confidence, such
96 information shall be accessible to the public through the state agency's
97 or constituent unit's website as soon as possible, but in no case less
98 than fourteen days before a decision is made to award a contract to a
99 particular bidder. Such affidavit shall include: (i) The names, addresses
100 and telephone numbers of each facility involved in the production of
101 merchandise or the provision of services governed by this section, (ii)
102 the names, business addresses and telephone numbers of the principal
103 officers of each facility involved in the production of merchandise or
104 the provision of laundry services governed by this section, (iii) the base
105 hourly wage of nonsupervisory employees, the percentage of the wage
106 level paid as health benefit, other benefits, regular deductions from
107 paychecks, normal working hours per day and week, actual working

108 hours per day and week over the last three months and any overtime
 109 policy, (iv) a sworn statement that each of the proposed production or
 110 laundry facilities, including any subcontractors, meets the
 111 requirements of subsection (c) of this section, (v) any other information
 112 deemed necessary by the state agency or constituent unit for the
 113 administration and enforcement of this section. If any information
 114 provided by the contractor or subcontractor pursuant to this
 115 subsection changes during the period of the contract, the contractor
 116 shall submit or cause to be submitted to the state agency or constituent
 117 unit an affidavit with the updated information. In addition, the
 118 contractor shall submit or cause to be submitted annual public reports
 119 documenting internal working condition monitoring programs and
 120 their results, external audits if available, problems discovered and
 121 corrective action plans.

122 (e) In order to facilitate compliance with this section, each state
 123 agency and each constituent unit shall contract with a competent
 124 nonprofit independent monitoring organization that is neither funded
 125 nor controlled, in whole or in part, by a corporation that is engaged in
 126 production or the provision of laundry services.

127 (f) Each state agency and each constituent unit shall establish a
 128 procurement advisory working group to consider issues relating to
 129 implementation and enforcement of this section and to make
 130 recommendations to address such issues.

131 (g) The provisions of this section may not be waived by agreement,
 132 except by express waiver in a bona fide collective bargaining
 133 agreement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Statement of Purpose:

To assure that state procured or licensed merchandise and state procured laundry services are produced or provided by responsible contractors who provide civilized workplaces.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]